No: 09-612

In the Supreme Court of the United States

Ariel King,

Petitioner

v.

Michael Pfeiffer,

Respondent

On Petition for Writ of Certiorari to the Supreme Court of the Commonwealth of Virginia

REPLY BRIEF FOR WRIT OF CERTIORARI

Roy L. Morris, Esq.*
Offices of Roy Morris
PO Box 100212
Arlington, Virginia
22210
202 657 5793
*Counsel of Record

David Helfrey, Esq.
Helfrey, Neiers and Jones
120 S. Central Avenue,
Suite 1500
St. Louis, MO 63105
314-725-9100

Counsel for Petitioner Dr. Ariel R. King (Pro Bono)

December 30, 2009

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REPLY TO RESPONDENT'S BRIEF

Respondents Brief is misguided in that it fails to address the core issue presented by the *Dr. King* before the Court. The core issue is whether the same due process and equal protection rights afforded in a "parental termination proceeding" should be the same as those afforded in a "custody" proceeding where parental rights are effectively terminated by the actions of the state through its court. The core issues include the human rights of a dual citizen, including her internationally mandated rights .

Besides missing the key point of the *Petition*, a careful reading of the *Respondent's Brief* reveals numerous assertions that are contradicted by, or not supported by its own attachments. This *Reply* will not waste the Court's time with the extensive list of all of those misstatements and misinformation, but will focus on only some new key points raised in that Respondents Brief.

This Is A Matter Of First Impression For The Court And The Issues Are Of Wide Spread Importance

The widespread nature of the epidemic problem in family courts, and its relation to domestic violence and child abuse is well documented by the extensive facts and figures presented in the *Amici Brief* filed by *Stop Family Violence, et. al..*, Case No. 09-612 (December 16, 2009) There is a gorilla war going on in the family courts, where those courts have become the weapon of choice for abusers to promote their abuse through scorched

earth litigation to achieve what the psychological community calls "domestic violence by proxy."[1] This is made possible because procedural safeguards are either scarce, non-existent, or completely ignored by many of these courts. The vicious and factually flawed attacks in Respondents Brief should give the Court the sense of the uncivilized, anarchy and viciousness of these "family court" proceedings, and the destruction they cause on a child's relationship with their parent(s).

Respondent's Brief Manipulates the Facts to Make This Court Believe that Dr. King's Concern and Love for Her Daughter Makes Her Crazy and a Threat to Her Child, When, Reports of Court Officers Show Otherwise.

In fact, no court has made a finding based on an evidentiary hearing that Dr. King is an unfit parent, *and*, the only child custody study done by any court recommended that Dr. King have full physical custody of the child, with shared legal custody in spite of the financial void that Dr. Pfeiffer left them in. ***See, Recommendation And Summary Portions Of Evaluation, 10/24/2007, attached hereto at Reply App. 1***

A GAL in Georgia authored a similarly favor-

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[1] Professor Joan S. Meier, Esq. , George Washington University Law School *Research Indicating That The Majority Of Cases That Go To Court As "High Conflict" Contested Custody Cases Have A History Of Domestic Violence*, September 16, 2009 (www.leadershipcouncil.org/1/pas/Meier.html); also, *Domestic Violence (DV) by Proxy: Why Terrorist Tactics Employed by Batterers Are Not "PAS,"* September 16, 2009 www.leadershipcouncil.org/1/pas/DVP.html

able report praising Dr. King's care of the child in February 2008 when Dr. King, an only child, dutifully went to Georgia to tend to her stroke-stricken ill Mother who was in the Hospital ICU. *GA GAL Report,* attached hereto *Reply App. 8.*

These evidence-based Court recommendations regarding Dr. King's superior parenting contradict the distorted claims of *Respondent's Brief.* Contrary to *Respondent's Brief, there are* no *court* findings (including any by the JDR court and the Montgomery County child protective services (which is not a court)) that "determined that the mother was not acting in the best interest of the child." *See, Resp. Brief at 23-24.* In fact, no such findings exist in either jurisdiction. Instead the JDR Court's evaluator found the mother to be committed, creative, fit and best to care for their daughter. *See. Reply App. 1*

Contrary to Respondent's Brief at 24, Dr. King Completed and Noticed a Full Psychogical Exam that Concluded that Dr. King Is Fit for Parenting

A praecipe was submitted to that effect to the Virginia JDR court on August 21, 2008. *See, Reply App. 19.* Despite that submission, the JDR court took no action to allow contact for the child with her mother. Since then, Dr. King has presented two other psychological exams to various courts in the US that have also been ignored. In Germany, Dr. King fulfilled the required psychological exam for the fourth time in less than 2 years.[2] Thus, Respondent's claim that Dr. King

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[2] After November 20, 2009 hearing, the German Family Court concluded that Dr. King had once again met the VA

"always carried the keys to resolve this matter in her own pocket" has no basis in fact.

Dr. King Sought Dismissal for Lack of Subject Matter Jurisdiction, Not Custody.

Contrary to *Respondent's Brief at 5-6* -- and plainly explained in report to the JDR Court on 10/24/2007 -- it was Dr. Pfeiffer who sought sole legal and physical custody from the beginning, not Dr. King. *See, Recommendation And Summary of Evaluation, 10/24/2007, attached hereto at Reply App. 1.* Meanwhile, Respondent concedes, Dr. King sought dismissal for lack of subject matter jurisdiction. *See, Resp. Brief at 7.*

Dr. King Clearly Represented Herself *Pro Se* Well Before the June 6, 2008 Hearing Date

Respondents Brief falsely claims that Dr. King was not representing herself *pro se* at the time of the June 6, 2008 hearing and subsequent periods. *See, e.g., Respondents Brief at 17.* In fact, as displayed on the Arlington Circuit Court website, as early as April 25, 2008 Dr. King filed a Petition for Writ of Mandamus *pro se* (Arlington Circuit Court Case No. CL08000524-00) (*Resp. App. 18*), when she had no financial choice but to represent herself in Virginia. *See, Reply App. 1.* Even the attachments at *Resp. App. at 22-26* clearly state that the filing was made by Dr. King *pro se.* The last lawyer to represent Dr. King in Arlington Virginia filed his withdrawal for lack of payment

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Court conditions, yet contact had not been reestablished between this German-American child and her mother because of Dr. Pfeiffers opposition. *Order of Family Court, Bayreuth Germany*, Case No. 003-F-354/09 (12/18/2009).

on or about April 24, 2008. *See, Reply App 16.* Thus, as pointed out by the *Amici Brief at 31*, with the combination of threats of imprisonment without due process and representing herself *pro se*, "the court made it impossible for King to access any post-deprivation remedy by issuing an arrest warrant for her so that if she appeared to defend her rights you would be arrested."

Dr. King's Appeal to the Circuit Court for Lack of Subject Matter Jurisdiction Was Timely, Its Notice Fully Processed As Such

Respondent was incorrect that the time to appeal the June 6, 2008 Order was by June 16, 2008. *See, Respondents Brief at 22.* No Virginia court found this to be the case. Although labeled "final," the June 6, 2008 Order could not be considered a *final order* under Virginia law because it failed to "dispose[] of the whole subject, give[] all the relief contemplated, provide[] with reasonable completeness for giving effect to the sentence, and leaves nothing to be done in the cause save to superintend ministerial the execution of the order." *Daniels v. Truck & Equipment Corp.*, 205 Va. 579, 585, 139 S.E.2d 31, 35 (1964). (citations omitted)

The June 6, 2008 JDR Order by its own words called for subsequent proceedings to resolve further custody matters. There remained outstanding matters in pending motions that had not been ruled on. This is clearly illustrated by the subsequent *ex parte* hearing and subsequent orders on September 16, 2008, which Respondent's brief notably omits to mention. A timely appeal to the Circuit Court was noticed and filed for those September 16, 2008 Orders with the JDR Court. In fact, had it not been timely, the JDR court

would not have forwarded the Notice to the Circuit Court and served it on the parties. There is nothing in the Circuit Court dismissal order that states that the appeal of the entire proceeding is untimely. As set forth in the Circuit Court's own notice, the earliest date set for a hearing in that appeal was to be October 20, 2009 (*See, Circuit Court Docketing Notice, Reply App. 20*), ten days *after* the *ex parte* hearing in which Dr. Pfeiffer went to court without clearing the date with Dr. King, and held a private hearing with the Circuit Judge. who then dismissed *ex parte* Dr. King's timely filed appeal.

No Case Law Supports Respondent's Claim that the Mere Presence of a GAL Necessarily Protects a Child's Rights.

No evidence is presented by *Respondent's Brief* that the JDR Court GAL had argued to the Court that it should not infringe the child's basic human rights to have contact with her mother, nor did that GAL present any sworn testimony, cross examine any witnesses, or submit any evidence during the entire proceedings below. *Respondent's Brief at 23-24.* In fact, exactly the opposite was true, which caused Dr. King to file a *Motion for Sanctions* against the GAL in the JDR Court. That motion was filed by mail June 5, 2008 and docketed June 9, 2008 and based on discovery withheld for weeks by Dr. Pfeiffer until June 2, 2008 (just four days before the June 6, 2008 hearing). That discovery revealed that the GAL violated the rules of the court and her duty to the child. The JDR Court has not held a hearing nor has it ruled on that *Motion for Sanctions* against the GAL.

A Novel Version of the June 6, 2008 Order Attached to the Respondent's Brief Is Of Questionable Authenticity and Not the Same as the Version Served and Certified by the JDR Court to the Parties on June 6, 2008

Respondent's Brief makes an issue of a new additional version of the June 6, 2008 Order found at *Resp. App. 31.* That version has never been previously seen by Dr. King, never been produced previously by the Dr. Pfeiffer in the many court proceedings since June 6, 2008, nor was it served by the Court on Dr. King. The version in *Respondent's Brief* was not the version identified as in the file when inquiry was made to the JDR Court clerk as of Sept. 24, 2008 (re: date of appeal notice filing). The only known true version, that was certified and served on June 6, 2008, is found in the *Petition.*

Regardless of whether one considers the additional version, *it changes none of the arguments merits in the Petition* because the "new" version attached to the *Respondent's Brief* does not change the facts relevant to the issues presented.

The September 5, 2007 Order Was Not An "Agreed Order" As Claimed by Respondent

There is nothing in the September 5, 2007 Order that indicates it was agreed to. *Resp. Brief* at 5. No oral or written agreement regarding the order was noted. To the contrary, Dr. King was justifiably stunned that an order was entered at a hearing that was *not* noticed as a hearing on custody, nor was any evidence or sworn testimony taken. The hearing was only for rescheduling to allow time to respond to the petition. Instead the

"rescheduling hearing" was turned into a "custody hearing", one day earlier than scheduled --- with no opportunity to respond to the custody petition.

Finally, even if there were agreement on jurisdiction, it would not be determinative because subject matter jurisdiction cannot be consented to, waived or agreed to. *See Petition at note 1.*

There Was No Notice Indicating that the June 6, 2008 Hearing Was for Final Legal and Physical Custody.

Even Respondent effectively concedes that the June 6, 2008 was only noticed as a hearing having to do with "rules to show cause" carried over from the February 8, 2008 hearing. *Resp. Brief at 9.* Respondent's Brief also effectively concedes that Dr. King, filing *pro se*, asked for a rescheduling of that hearing. *See, Resp. App. 22.* No action was ever taken by the JDR Court on that Motion. Proper notice includes advising as to the intended purpose of the hearing. Thus, there was inadequate notice, and thus lack of due process.

Neither Dr. King Nor the GAL Asked for Transfer of Jurisdiction to Georgia

The Georgia Guardian ad litem (GAL) identified at *Respondent's Brief at 7* visited the child and gave a highly favorable independent report about the grandmothers home, child care and state of the child while, Dr. King, an only child, was in GA temporarily to make medical decisions for her elderly stroke-stricken mother in the hospital ICU. *See, GAL Report, attached hereto Reply App. 8* Neither Dr. King nor any of her representatives have ever suggested or asked that jurisdiction be moved to Georgia. Respondent misrepre-

sents the Georgia GAL having asked for such a transfer. She said nothing of the kind. *See, GAL Report, attached hereto at Reply App. at 8*

The June 5, 2008 Maryland Order Relied on By Respondent As Quashing the June 2, 2008 Protective Order Is On Appeal

Respondent fails to point out that the Maryland Temporary Protection (TPO) for both Dr. King and their child (for "abuse of a child (both physical and sexual)") was prematurely quashed in a unilaterally called hearing by the Respondent's counsel, again four days before the scheduled hearing of June 9, 2009. The June 5, 2008 Order referred to at *Resp. Brief at 9 - 11* is on appeal. *King v Pfeiffer, Appeal from the Circuit Court for Montgomery Count, (Case No. 70620FL), No. 1007, Sept Term 2009, Maryland Court of Special Appeals* (Briefed Dec. 7, 2009). Transcripts of the hearing on June 2, 2008 show no false statements or omissions. The Judge who granted the TPO is the only judge who has interviewed and observed the mother and child.

The DC Superior Court Order Cited by Respondent's Brief Is On Expedited Appeal

Respondent relies upon the DC Family Court Order that dismissed a medical neglect complaint against the Respondent. *Resp. Brief at 24, and Resp. App. 50-51.* Respondent failed to note that the Superior Court did not allow Dr. King any discovery and refused to allow any of her experts to testify, nor considered any of her exhibits. An expedited appeal of the case is now pending (*King v. Pfeifer, Case* 09 DRB 1167, *DC Sup. Crt (December 2, 2009), Appeal Pending*)).

Respondent's Brief at 22 Inaccurately Implies that Dr. King Used "first class mail" to Serve Her brief to the Court of Appeals.

As documented in the *Petition*, priority mail with signature confirmation was used, and an initial attempt at delivery was made by USPS the next day after mailing -- no later than it would have arrived with the fastest delivery offered by the USPS, Express Mail. *Petition at 11.* Interestingly, the US Supreme Court accepts only two methods of file-by-mail service as acceptable: Express Mail and *Priority Mail. Sup Crt Rules 29(a)(2) Respondent's Brief* cites no law excluding priority mail as compliant with Virginia mailing rules.

Respondent's Brief's Claim that Parental Rights Were Not Effectively Terminated by the June 6, 2008 Order Rings Hollow

Respondent claims that the June 6, 2008 Order "clearly established a regime by which Dr. King could regain *some* access to her child..." *Resp. Brief at 19.* However, Respondent's Brief notably appears unable to tell the court what "some access" is. In custody nomenclature, visitation is a form of physical custody, which Respondent claims was granted to Dr. Pfeiffer with "finality."

Respectfully submitted,

Roy Morris, Esq. (COR)
Offices of Roy Morris
PO Box 100212
Arlington, VA 22210
202 657 5793

David Helfrey, Esq.
Helfrey, Neiers & Jones
120 S. Central Ave,1500
St. Louis, MO 63105
314-725-9100

APPENDIX

Recommendation And Summary Portions Of JDR Court Ordered Evaluation

CUSTODY INVESTIGATION
ARLINGTON JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT
ARLINGTON, VIRGINIA

NAME: [Name of Child]
D.O.B.: 5/7/03 (4 YEARS OLD)
RACE/SEX: AFRICAN/AMERICAN
GERMAN FEMALE

MOTHER: DR. ARIEL ROSITA KING

FATHER: DR. MICHAEL HERBERT PFEIFFER
.....

SUMMARY AND EVALUATION:

This court was brought to the Court's attention as a result of Dr. Michael Pfeiffer filing a petition requesting sole custody of his daughter, [Childs Name Omitted].

[Childs Name Omitted] is a remarkable four year old with an outgoing and friendly personality. Since being assigned to this case, this counselor has had the opportunity to have several visits with [Childs Name Omitted] and her parents and was able to gain insight into this family's current situation. Throughout the investigation this family has been cooperative in allowing this counselor to visit in their respective homes and provide this counselor with the necessary infor-

mation in order to complete this investigation. Through this counselor's interactions and observations of the child and each parent, it is apparent to this writer that [Childs Name Omitted] has a strong attachment with her mother in which her mother's presence provides her with a sense of security and comfort. It is of this writer's opinion that Dr. King has been the primary caregiver of [Childs Name Omitted]. Since the time of her birth, [Childs Name Omitted] has been in the care of her mother and has virtually spent every night by her mother's side. This is evident through the many photos and videos documenting [Childs Name Omitted]'s extensive travels throughout the world with her mother. While Dr. Pfeiffer claims that he was the primary caregiver of his daughter, it does not seem realistic when he reported working 80 hours per week in order to complete his residencies. It does seem plausible that Dr. King placed her career on hold in order to support her husband's aspirations to complete his residency for neurology in the United States. While Dr. King is a citizen in the United States the majority of her life and career has been spent outside of the United States as her degrees and studies are in International Health and Policy. Both parents are in agreement that the couple's original plan was to come to the United States in order for Dr. Pfeiffer to complete his studies. At some point in time, Dr. Pfeiffer changed his mind and relayed his desire to stay in the United States in order to advance his studies. It is appears that Dr. Pfeiffer was misleading, whether intentionally or not, about his reluctance to have a private practice of his own. Instead, his reluctance was relayed to the family just days prior to the family's reloca-

tion to Florida. This could not have come at a more inopportune time in which the family was being evicted from their current home leaving them without stable housing in the meantime. The family appears to have devoted the last few years supporting Dr. Pfeiffer's medical studies. That eventually led to his signing of a contract in April of 2005, agreeing to have his own private practice in Englewood, Florida. As a result, the family invested a lot of time in order to do things like finding and purchasing a home in Florida. In addition, Dr. King had the understanding that she would be handling the administrative duties that goes along with running a private practice. Dr. King expressed excitement about her husband's achievement in obtaining his own private practice and also expressed her relief that the family would finally have a sense of financial stability after years of financial struggles in order to support her husband's career.

Despite the differing stories regarding the circumstances leading to the separation of Dr. King and Dr. Pfeiffer it does appear that Dr. King was left without adequate financial means and bared the brunt of the responsibility in caring for their daughter. It appears that she tried to maintain as much stability as possible so that [Childs Name Omitted] would not be so emotionally affected by her parents' separation and living situation. While Dr. Pfeiffer has expressed his concern about his daughter's well-being, he has not exactly provided the necessary financial support to ensure his daughter's well-being. While this counselor was unable to confirm Dr. Pfeiffer's compliance with his child support obligation of $500 per month there is a discrepancy in the amount that

Dr. Pfeiffer has paid thus far. Dr. Pfeiffer is adamant that he has paid $500 each month. Dr. King reported that she has only received one payment in the amount of $500. This is concerning because Dr. King need consistent support in order to maintain her housing. While this counselor cannot accurately determine whether Dr. Pfeiffer had knowledge of his wife and child's whereabouts, Dr. King did provide written documentation in the form of emails she sent and responses received from Dr. Pfeiffer dating from June 25, 2007. In these emails, Dr. King relayed to her husband her desire for him to have contact and maintain a relationship that would promote the health and welfare of their daughter. Dr. King has consistently expressed her desire for Dr. Pfeiffer's continued contact and involvement in their daughter's life. This feeling appears mutual in that Dr. Pfeiffer also agrees that [Childs Name Omitted] needs to have continued parental involvement from both parents throughout their daughter's life.

While Dr. Pfeiffer is asking for full custody of his daughter, there does not appear to be concrete plans in place for her if he obtains full custody. When Dr. Pfeiffer was questioned about what he would do with his daughter on a daily basis while he is working, he simply stated that she could go to the YMCA all day or one of the local schools. Since the primary goal of each parent is to maintain as much stability as possible for their daughter, it does not seem appropriate to remove her from her present environment where she is very happy and comfortable with all of her classes and activities each day. Although Dr. Pfeiffer's home is in close proximity to Dr. King's home, this counselor is leery about Dr. Pfeiffer's

ability to maintain his daughter's schedule considering his current work schedule. It seems more appropriate for [Childs Name Omitted] to continue with her current status instead of forcing her to adapt to a new environment.

This counselor would like to comment on the concerns Dr. King has reported to this counselor regarding [Childs Name Omitted]'s overnight visitations with her father. Dr. King has reported to this counselor the behavioral problems [Childs Name Omitted] has been experiencing since the overnight visitations were started. Dr. King has reported that her daughter has been displaying behaviors such as throwing temper tantrums, scratching and biting herself and having accidents surrounding the times prior to and after overnight visitations with her father.

These behaviors are evidently recent behaviors that have never occurred in the past. This counselor is aware of Dr. King's attempt to relay her concerns to her husband and asking for some type of alternative visitations until [Childs Name Omitted] becomes more comfortable with her parents' new living arrangements. It appears that Dr. Pfeiffer is unwilling to temporarily suspend his overnight visitation which is clearly understandable since he wants to spend time with his daughter. Whether this is right or wrong this counselor can only report that there has been a decline in [Childs Name Omitted]'s behavior during the time of this counselor's first and last visitation with [Childs Name Omitted]. It is difficult to determine whether her behavior is a result of the emotional distress she is experiencing regarding her parents' separation; nor does this counselor have the expertise to make any accurate conclusions. Due to

her age, she probably does not have the capacity to fully understand her parents' situation as she has made comments to this counselor that she wants to sleep with both her parents in her home. She is also confused about what is her home. This counselor can only report that [Childs Name Omitted] has made comments to this writer that while she enjoys visits with her father she has stated that she is scared in her father's home and wants to spend the night with her mother. Perhaps [Childs Name Omitted] needs more time to become familiar with her father's home so that she feels more comfortable with overnight visitations with her father. After all, Arian-Leilani has virtually spent every night with her mother throughout her lifetime thus far. This counselor feels it is also important to relay to the Court that she has also made several comments to this counselor that her father comes into her bed a night. In addition, Dr. King has tried to address this issue with her husband requesting that it stop. This counselor cannot confirm whether this is occurring, but if it is, this counselor would hope the Dr. Pfeiffer would stop this behavior and understand that it is not appropriate considering his daughter's age. Lastly, this counselor would like to relay to the court Dr. King's worries that she expressed about her concerns that Dr. Pfeiffer will flee the country with their daughter. This counselor would defer to the court in that this counselor does not know the possible legal actions, if any that are available to ensure the safety of her daughter.

Overall, all is not lost in this case in which this counselor strongly feels that both parents are capable of maintaining a positive relationship in a positive manner for the purposes of their daugh-

ter. It is felt that there will be less conflict between both parents once resolutions have been made in terms of living arrangements, child support, financial responsibilities, etc. It appears that these issues are causing conflict between both parents in which a final resolution needs to be established.

RECOMMENDATION

It is respectfully recommended that the parents, Dr. Ariel King and Dr. Michael Pfeiffer, share joint custody of their daughter, [Childs Name Omitted], with physical custody being given to Dr. Ariel King.

-

/s/
Michele Wood
Probation Counselor
Date: *10/24/2007,*

/s/
Christopher Edmonds
Probation Supervisor
Date: *10/24/2007*

Georgia GAL Report On the Situation Surrounding Dr. King's Efforts to Help Her Ill Mother (2/4/2008).

IN THE JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURT
FOR THE COUNTY OF ARLINGTON
COMMONWEALTH OF VIRGINIA

MICHAEL H. PFEIFFER,
Petitioner
v. CASE NO. J-31848-01
ARIEL R. KING.
Respondent
In re: Ariana Leilani King-Pfeiffer, Minor Child

ANSWER OF GUARDIAN AD LITEM

COMES NOW CAROLYNE RICHARDSON, received a request from Dr. Ariel R. King on January 30, 2008 to serve as Guardian ad Litem for Ariana Leilani King-Pfieffer, a Minor Child and the biological daughter of the Petitioner and Respondent (hereinafter referred to as the "[Childs Name Omitted]"), for the limited purpose of determining the suitability of the temporary living arrangement in Georgia during her mother's illness; and as such Guardian ad Litem, I hereby file my Answer to this request as follows:

BACKGROUND SUMMARY

Dr. Ariel R. King (hereinafter referred to as "Dr. King" or the "Respondent") who is the Respondent and the custodial parent of Ariana Leilani has temporarily removed the Minor Child from her residence in Maryland to Georgia with the knowledge of the Petitioner, Dr. Michael H.

Pfeiffer. Purpose of this emergency relocation allows Dr. King to support and oversee the care and business affairs of her mother (Dr. Margo King) who recently had a stroke on January 20, 2008. Dr King's mother is currently hospitalized in critical condition in the Intensive Care Unit (ICU) at DeKalb Medical Center (DMC) in Decatur, GA. Dr. King is the only child of her mother and is considered the next of kin. Guardian ad Litem (hereinafter referred to as "GAL") had the opportunity to review the Custody Investigation submitted on October 24, 2007 and the Initial Order for Child Custody entered on September 5, 2007. GAL also interviewed the Respondent, [Childs Name Omitted] and Ms. Melina Orfanopoulos who is a bilingual German live-in babysitter hired by Dr. King to provide child care assistance (hereinafter referred to as "Melina").

Dr. King, [Childs Name Omitted] and Melina temporarily reside in the home of Dr. King's mother. This residence is located in an upscale, quiet country club community where there is a lake, golf course, playground and other amenities for the enjoyment of families. GAL believes that this temporary relocation of [Childs Name Omitted] to Georgia for approximately six weeks will serve her best interest and will not interfere with the intent of the Initial Order, 'Which allows the Minor Child to visit this area, based on interviews, interactions, observations and home evaluation. Dr. King has made provision for [Childs Name Omitted] to communicate with her father, Dr. Michael H. Pfeiffer, in frequent telephone conversations. She is more than willing to permit the father of [Childs Name Omitted] to visit in Georgia

PERSONAL INTERVIEWS/ASSESSMENTS
Ariel R King, PhD

Dr. King expressed concerns about following the terms of the initial custody agreement and about wanting to provide the necessary support and assistance to her mother as she recovers from a stroke suffered on January 20, 2008. She is the only child of her mother and her next of kin since her father is deceased.

Dr. King immediately made arrangements to travel to Georgia the next day upon hearing about her mother's emergency hospitalization in the ICU at DeKalb Medical Center with a stroke. Her mother underwent brain surgery to remove a blood clot that triggered her stroke. She is considered medically unstable since she has been transferred from ICU to the floor or step down unit on two occasions. Additionally, she has pronounced neurological and physical limitations that will require intense rehabilitation. Since Dr. King is identified as next of kin and has a general power of attorney to handle all affairs of her mother, Dr. King's presence in Georgia is needed to ensure that her mother receives care and that she is transferred to the appropriate rehabilitation facility.

The mother of Dr. King is also a business owner and practices as a licensed psychologist in DeKalb County. The Respondent is managing the business affairs using her power of attorney to ensure that all clients are being followed in the practice and managing all financial obligations of the practice. She is also handling the mortgage payments and other debts associated with her mother's residence.

While Dr. King is tending to the medical

care and business affairs of her mother, she is also providing care for [Childs Name Omitted]. She recognizes the need for a support system. She hired a German live-in babysitter named, Ms. Melina Orfanopoulos to provide child care assistance on January 23, 2008. This babysitter remains with [Childs Name Omitted] so that Dr. King can visit with her mother at the hospital and spend time at her mother's practice. Dr. King reports that the babysitter spends quality time with Ariana Leilani in learning the German language and in providing child care services and activities. She has brought toys and age-appropriate books in German for her daughter from their residents in Maryland.

[Childs Name Omitted] King-Pfeiffer

[Childs Name Omitted] is a typical, delightful and energetic 4.75 year old. She has a very friendly and outgoing personality. She has age-appropriate developmental characteristics in which she dresses self with minimal supervision, she engages in conversation readily and she enjoys acrobatic activities, such as somersaults, balancing and jumping. She knows her alphabets, counts to twenty and identifies colors. GAL observed [Childs Name Omitted] communicating with her mother and the babysitter in German and responding appropriately to their directions. [Childs Name Omitted] is apparently adjusting to this temporary new environment without problems. She smiles and laughs freely in play activity.

Ms. Melina Orfanopoulos

Ms. Melina Orfanopoulos is a 19 year old German citizen who has entered the United States on a tourist visa. Melina indicated that she

came to Georgia at the request of Dr. King to help with [Childs Name Omitted] on January 23, 2008. She also reported that she provided child care for [Childs Name Omitted] in the past when she served as a babysitter from July to October 2007. She returned to her homeland upon expiration of her visa.

During the day, Melina spends a great deal of time with [Childs Name Omitted] while Dr. King visits with her mother at the hospital and spends a couple of hours at her mother's business. She begins the day at 7:30 in the morning. She fixes breakfast for the family and self. Dr. King awakens [Childs Name Omitted] and prepares the child for the day. [Childs Name Omitted] watches children programs on public television in the morning. Dr. King leaves for the hospital about 10:00 am.

Subsequently, Melina takes [Childs Name Omitted] outside to the playground and then feed the ducks on the nearby lake. In the afternoon, they return home where they eat lunch and where Melina reads books in German to [Childs Name Omitted]. [Childs Name Omitted] will then draw and color objects. She also
reports that friends of Dr. King's family may take her and [Childs Name Omitted] to the mall and a movie. Additionally, she state that Dr. King returns home between her visits with her mother.

After Dr. King makes her final visit to the hospital, she finally returns home to prepare [Childs Name Omitted] for bed at 7:00 p.m. GAL also inquired about [Childs Name Omitted]'s knowledge of the alphabets. spelling of her name and ability to count. Melina indicates that [Childs Name Omitted] knows the alphabets in English

and German. She also reports that she can count to "20" in English and German. [Childs Name Omitted] is learning to spell and write her name.

HOME EVALUATION

The residence of Dr. King's mother is located in an upscale, quiet country club community outside Atlanta in DeKalb County, Georgia. The physical address of this home is located at 627 Masters Drive, Stone Mountain, GA 30087-6028. This residence is quite spacious, which permits Dr. King, [Childs Name Omitted] and Melina separate bedrooms and bathrooms. Property characteristics show that the residence has two stories with three bedroom, three full bathrooms and three half-bathrooms at 3,854 square foot based on the Property Appraisal Report. (See Exhibit One).

This residential community consists of many amenities to include a club house, golf course, playground and lake. As described in the GAL, interview with Melina, Melina takes [Childs Name Omitted] daily to the playground and then to the lake to feed the ducks.

DISCUSSION

After the Guardian ad Litem had carefully investigated the emergency status of this child custody case, she recommends that [Childs Name Omitted] King-Pfeiffer remains with her mother, Dr. Ariel R King, in Georgia for up to six (6) weeks. This action will allow Dr. King who is an only child and who has a general power of attorney sufficient time to ensure that her mother receives the proper care and the appropriate placement in a rehabilitation facility following a stroke, and to identify a management team or a qualified person to provide oversight to her mother's prac-

tice.

Most importantly, [Childs Name Omitted] has adjusted well to this new environment. She is very happy and playful. Her mother is providing structure and some consistency in which she has hired Melina, a bilingual German babysitter, who is familiar with [Childs Name Omitted] and who can help with her proficiency in German. Melina enjoys working and playing with [Childs Name Omitted]. She has patience and a very caring demeanor.

The temporary housing situation is more than adequate for [Childs Name Omitted]. Dr King brought some age-appropriate toys and books for her daughter from Maryland. There is sufficient living space for Dr. King, [Childs Name Omitted] and Melina. Melina takes [Childs Name Omitted] to the playground and the lake to feed the ducks in the neighborhood. [Childs Name Omitted] has ample stimulus in promoting her development.

CONCLUSION

The Guardian ad Litem PRAYS for the following relief:

(a) That the Court would consider the emergency nature of the temporary relocation of [Childs Name Omitted] King-Pfeiffer to Georgia.

(b) That the Court would allow Dr. Ariel R · King to remain in Georgia to handle the medical care and business affairs of her acutely ill mother for at least six weeks.

The Guardian ad Litem further requests that the

Court issue an order authorizing the same.

/s/
Carolyne Richardson
Georgia Bar No. 603813
945 South Hairston Road
Stone Mountain, GA 30088
(404) 501-9115

2/4/2008
Date

Motion For Leave To Withdraw Appearance Of Counsel (filed on or about April 24, 2008)

VIRGINIA

IN THE JUVENILE & DOMESTIC RELATIONS
GENERAL DISTRICT COURT
FOR ARLINGTON COUNTY

MICHAEL H. PFEIFFER,	)	
Petitioner,	)	
	)	
v.	)	Case No.
	)	J-31848-01
	)	
ARIEL R. KING,	)	
Respondent.	)	

IN RE: [Child's Name Omitted] KING-PFEIFFER
DOB: 05/07/2003

MOTION FOR LEAVE TO WITHDRAW APPEARANCE OF COUNSEL (filed on or about April 24, 2008)

Comes now counsel for the Respondent, Ariel R. King, pursuant to Rule 1:5 of the Rules of the Supreme Court of Virginia, and moves this Court for leave to withdraw from representation in the above-captioned cause and as reasons therefore states as follows:

1. The Respondent and her undersigned counsel have agreed to terminate their relationship.

2. Unless and until the Respondent is able to obtain new counsel, Respondent will represent herself pro se.

WHEREFORE, counsel respectfully requests this Court to grant them leave to withdraw from representation in this cause of action.

THYDEN GROSS AND CALLAHAN, LLP

By: _/s/_____
Michael F. Callahan, VSB No. 27508
4601 Willard Avenue
Chevy Chase, MD 20815
(301) 907-4580
(301) 907-4588 facsimile
Attorneys for Respondent

AGREED AND CONSENTED TO:

/s/

_____
Ariel R. King
Respondent

Circuit Court Case Information for Initial Filing of Petition for Writ of Mandamus, Filed April 25, 2008 Pro Se (Source: Circuit Court Online Docket)*

Arlington County Circuit - Civil Division
Case Details

Case Number: CL08000524-00
Filed: 04/25/08
Filing Type: Complaint
Number of Plaintiffs: 0001
Number of Defendants: 0001
Commenced By: Initial Filing
Bond:
Complex Case:

Plaintiffs
Plaintiff: KING, ARIEL R.; DR
Trading as:
Attorney: PRO SE

Defendants
Defendant: HONORABLE ESTHER WIGGINS LYLES
Trading as:
Attorney:

*Note: Dr. King refiled the Petition for Writ of Mandamus for Lack of Subject Matter Jurisdiction on May 15 before the Supreme Court of Virginia which had original jurisdiction, and then moved to dismiss this filing because of the other filing was then pending.

Psychological Praecipe Filed Before JDR Court on August 21, 2008

VI RGINIA:
IN THE JUVENILE & DOMESTIC RELATIONS
COURT FOR ARLINGTON COUNTY

DR. MICHAEL H. PFELFFER
Petitioner,

v.

DR. ARIEL R. KING
Respondent,

IN RE: [Child's Name Omitted]
DOB: *05/07/2003*
CASE NO. 1-31848-01

PRAECIPE

(filed August 21, 2008)

TO THE CLERK OF THE COURT:
Please note the following:

Pursuant to the February 8, 2008 Order where the Court ordered both the Father and the Mother to have a psychological examination, Dr. King, the Mother, completed said psychological examination with Susan Van Ost, Ph.D., Director, Assessments and Solutions a part of Jewish Social Services Agency (1SSA), Bethesda, Maryland,

Dr. Ariel King

Docketing Order for Appeal to Circuit Court Scheduling First Hearing Date of October 20, 2008

October 06, 2008

Michael H. Pfeiffer

Ariel R. King

In re: Ariana Leilani King-Pfeiffer

This is to advise you that this case is now set on the Term Day Docket for OCTOBER 20, 2008 at 10:00 A.M. in the Arlington County Circuit Court for the setting of a trial date. IT MAY NOT BE NECESSARY to appear at Term Day if you call Mary Carrig at (703) 228-7000 during business hours between the dates of OCTOBER 6, 2008 to OCTOBER 10, 2008 and OCTOBER 14, 2008 to OCTOBER *17*, 2008 with three (3) agreed (by ALL PARTIES) choices for trial dates. (Do Not Call on Friday). These dates *must* not be less than 5 months and not more than 8 months from Term Day. An extension in the setting of a trial date may be granted for good cause shown on Term Day or a Civil Motions Day.

If no one appears at term day or calls the Court as provided for, this case will be assigned a trial date chosen by the Court.

Clerk's Office
Circuit Court

Sean O'Connell, Attorney for Petitioner
4113 Lee Highway
Arlington, VA 22207

Deborah Olin Guardian Ad Litem
3977 Chain Bridge Rd., Ste. #1
Fairfax, VA 22030

Michael H. Pfeiffer
4836 Reservior Rd., #3
Washington, D. C. 20007

Ariel King
11725 Greenlane Drive
Potomac, MD 20854